

**Amendment and Response**

Applicant: Mark Hirst et al.  
Serial No.: 10/689,464  
Filed: October 20, 2003  
Docket No.: 200309601-1  
Title: INDICATING SYSTEM

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**REMARKS**

The following remarks are made in response to the Office Action mailed May 3, 2005. Claims 1, 2, and 4 have been cancelled without prejudice. Claims 1-2, 4, 6-14, 16-22, 24-25, and 27-40 were rejected. Claims 3, 5, 15, 23 and 26 have been objected to. With this Response, claims 3, 5, 6, 9, 10-11, 15, 21, 23-24, 25, and 30-34 have been amended. Claims 3 and 5-40 remain pending in the application and are presented for reconsideration and allowance.

**Specification**

The Title, Disclosure, and Abstract were objected to for various informalities. With this Response, the Title, Abstract, and Disclosure have been amended as directed by the Examiner.

In light of the above, the Examiner's objections have been addressed and no longer apply. As such, Applicant respectfully requests that the objections to the Title, Disclosure, and Abstract be withdrawn.

**Claim Objections**

The Examiner objected to claims 1, 9-11, 21, 23-24, and 30-34 for various informalities. These informalities have been addressed as directed by the Examiner and are no longer valid. As such, Applicant respectfully requests that the objections to claims 1, 9-11, 21, 23-24, and 30-34 be withdrawn.

**Allowable Subject Matter**

The Examiner objected to claims 3, 5, 15, 23 and 26 for being dependent upon a rejected base claim, but as being allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant agrees with Examiner's conclusions regarding patentability without necessarily agreeing or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the claims are allowable because prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased.

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Accordingly, Applicant has rewritten claim 3, 5, 15, 23 and 26 into independent form. Allowance of these claims and the claims dependent therefrom is requested.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1, 2, 4 and 6-10 were rejected under 35 U.S.C. 102(e) as being anticipated by Dowling U.S. Patent No. 6,883,929 (“Dowling”). With this Response, claims 1, 2 and 4 have been cancelled without prejudice. Claim 6 has been amended to depend from independent claim 3. As such, claims 6-10 depend directly or indirectly from and further define patentably distinct independent claim 3. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1, 2, 4 and 6-10 under 35 U.S.C. 102(e) and allowance of claims 6-10.

**Claim Rejections under 35 U.S.C. § 103**

Claims 11-14, 16-22, 24, 25 and 27-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling in view of Yamada et al. U.S. Patent No. 5,206,682 (“Yamada”). Applicants submit that Dowling in view of Yamada fails to teach or suggest the invention of independent claim 11.

**Dowling** provides an indicating system having an alternate power supply 202, such as a Seebeck device, that can be associated with a surface that may undergo a temperature change (such as, for example, the surface of an iron, gas stove, teakettle, or hair dryer) and which generates electrical energy in response to the temperature change to power LEDs 4 to provide a warning that the surface is hot. The Examiner conceded that Dowling does not provide an indicating system in an imaging system that includes a fuser, but concluded that it would have been obvious to one skilled in the art to do so in view of the teachings of Yamada.

**Yamada** discloses a laser printer having a process unit 19, including a photoconductor unit 16 and developer unit 18, and a fixing device 50 within a housing 10. Fixing device 50 includes a heating roller within cover 62 having a top wall 62a which can reach temperatures as high as 80° C to 90° C. Photoconductor unit 16 and developer unit 18 are configured to be removable by an operator from housing 10. However, photoconductor unit 16 and developer unit 18 are positioned such that during removal, an operator’s fingers

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could contact top wall 62a and easily be burnt. To prevent such an occurrence, Yamada teaches providing raised ribs 66 extending from top wall 62a to prevent an operator's fingers from touching top wall 62a. The raised ribs 66 have a temperature of only 50° C to 60° C such that an operator's hands or fingers cannot be burnt if they directly touch the ends of raised ribs 66.

**Yamada does not teach or suggest a fuser having a heat emitting member and an indicating system including a thermoelectric generator adapted to thermally couple to the heat emitting member and configured to convert heat from the heat emitting member to electrical energy, and an indicating device powered by the electrical energy and configured to provide indication of a temperature level of the heat emitting member.** Instead, Yamada teaches providing a surface (i.e. ends of raised rib 66) having a temperature which cannot cause burns if touched by an operator. Since the operator cannot burn his/her hands or fingers on the surfaces in which they may come into contact, there is no need to provide an indication, such as with a warning light, that the surfaces are hot. As such, Yamada teaches away from the fuser including the indicating system as recited by independent claim 11.

In view of the above, Applicant submits that neither Dowling nor Yamada, either alone or in combination, teach or suggest the invention as recited by independent claim 11. Independent claims 21, 22, 34, and 40 include limitations similar to those of independent claim 11. Accordingly, for the reasons stated above with respect to independent claim 11, Applicant believes that neither Dowling nor Yamada, either alone or in combination, teach or suggest the invention as recited by independent claims 21, 22, 34, and 40. Accordingly, Applicant respectfully requests that the rejections of independent claims 11, 21, 22, 34, and 40 under 35 U.S.C. § 103(a) be withdrawn.

Dependent claims 12-14 and 16-20 further define patentably distinct independent claim 11, dependent claims 24-25 and 27-33 further define patentably distinct independent claim 22, and dependent claims 35-39 further define patentably distinct independent claim 34. Accordingly, dependent claims 12-14, 16-20, 24-25, 27-33, and 35-39 are also allowable over the art of record.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 3 and 5-40 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 3 and 5-40 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Mark Hirst et al.,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28<sup>th</sup> day of July, 2005

By Steven E. Dicke  
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